

REMARKS

This paper is in response to the Office Action of June 3, 2003. The due date for response extends to December 3, 2003, with a three month extension of time, which is hereby petitioned for.

The Applicant has reviewed the application and claims to reconsider the obviousness double patenting rejection imposed by the Office. In reviewing the rejection, the Applicant has reviewed the claims of U.S. Patent 6,511,368 (the '368 patent) by Halley (the Applicant of the present application).

Claims 1-22 were rejected under the judicially created doctrine of obviousness-type double patenting in view of the '368 patent. As outlined in MPEP 804, it is the claims of the '368 patent that must render the claims of the present invention obvious. At the time of invention, both the '368 patent and the present invention were commonly owned by Strasbaugh. However, subsequently, Strasbaugh assigned the present application to Lam Research Corporation. Lam Research Corporation is the assignee of the present application.

The *claims* of the '368 patent have now been reviewed to determine whether they render the claims of the present invention *obvious*. Special attention is drawn to the '368 patent claims, which are crafted with specific emphasis on an apparatus for supporting a polishing pad. The apparatus *claims* define a drive support movably coupled with the pad drive member.

To emphasize the difference between the claims of the '368 patent and the claims of the present invention, amendments were made to further clarify the inventive features of the claimed invention. A central feature of the claimed invention is that the projected gimbal point drive system is for holding a wafer. Because analysis of an obviousness rejection is limited to the *claims* (MPEP 804 III), the *claims* of the '368 patent cannot reasonably read to point to or suggest replacing the pad 117 with a wafer. Each time the pad 117 is mentioned or used in the claims, specific teachings is outlined in the *claims* to attach the pad 117 to the pad drive. The claims of the present invention are simply not directed toward driving any sort of pad.

Consequently, it is respectfully submitted that the '368 patent *claims* cannot be said to render the claims of the present invention, as amended, obvious. For ease of reference, a

partial excerpt from each of the independent claims is reproduced, to illustrate the claims' directed teaching to connect the "pad" to the "pad drive member".

1. (Partial Claim) An apparatus for polishing an object, the apparatus comprising:

a pad having a polishing surface to be placed on a target surface of the object to be polished;

a pad drive member connected to the pad to . . .

6. (Partial Claim) An apparatus for polishing an object, the apparatus comprising:

a pad having a polishing surface to be placed on a target surface of the object to be polished;

a pad drive member connected to the pad to . . .

10. (Partial Claim) An apparatus for polishing an object, the apparatus comprising:

a pad having a polishing surface to be placed on a target

surface of the object to be polished;

a pad drive member connected to the pad to . . .

12. (Partial Claim) An apparatus for polishing an object, the apparatus comprising:

a pad having a polishing surface to be placed on a target surface of the object to be polished;

a pad drive member connected to the pad to . . .

17. (Partial Claim) An apparatus for polishing an object, the apparatus comprising:

a pad having a polishing surface to be placed on a target surface of the object to be polished;

a pad drive member connected to the pad to . . .

In view of the foregoing, and the limitation of obviousness analysis to the claims of the '368 patent, the Applicant respectfully requests that the clarifying amendments be entered and the rejection be withdrawn.

A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. LAM2P228). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE & PENILLA, LLP



Albert S. Penilla, Esq.
Reg. No. 39,487

710 Lakeway Drive, Suite 170
Sunnyvale, CA 94085
Telephone: (408) 749-6900
Facsimile: (408) 749-6901
Customer No. 25920